

Confirmation No. 8380

Attorney Docket No. PB60172

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bonanomi et al.

July 22, 2008

Serial No.: 10/551,904

Group Art Unit No.: 1625

Filed: September 26, 2006

Examiner: N. Rahmani

For: Compounds Having Activity at 5HT2C Receptor and Uses Thereof

Commissioner of Patents and Trademarks
Mailstop: Responses to Restrictions
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper is in response to the Restriction Requirement mailed July 2, 2008. Claims 1-16, 20-21 and 24-27 are pending in the application. Claims 1-16, 20-21 and 24-27 are subject to a restriction requirement and/or election requirement as follows.

Group I. Claims 1-16 and 24-27 in part where Q is a 6-membered aromatic group, drawn to compounds, pharmaceutical compositions and process for the preparation of a compound of formula (I), classified in classes 546 and 548, subclass various. If this group is elected, a further election of a single disclosed species of compound is also required.

Group II. Claims 1-3, 5, 9-12, 16 and 24-27 in part wherein Q is a 6-membered heteroaromatic group, drawn to compounds, pharmaceutical compositions of formula (I), classified in classes 546, 549 and 544, subclass various. If this group is elected, a further election of a single disclosed species of compound is also required.

- Group III. Claims 20-21 in part wherein Q is a 6-membered aromatic group, drawn to a method of treatment of a CNS disorder in a mammals, which comprises administering to the sufferer a therapeutically safe and effective amount of a compound as claimed in claim 1, classified in class 514, subclass various. If this group is elected, a further election of a single disclosed species of compound is also required.
- Group IV. Claims 20-21 in part wherein Q is a 6-membered heteroaromatic group, drawn to a method of treatment of a CNS disorder in a mammals, which comprises administering to the sufferer a therapeutically safe and effective amount of a compound as claimed in claim 1, classified in class 514, subclass various. If this group is elected, a further election of a single disclosed species of compound is also required.

REMARKS

Claims 1-16, 20-21 and 24-27 are pending in the instant application and are subject to restriction and an election requirement. Applicants wish to make a provisional election of Group I, i.e. claims 1-16 and 24-27 in part, without traverse.

The Examiner has further required an election of species within the elected Group. Applicants elect the compound of Example 1 (page 23).

Applicants have elected to prosecute claims directed to a composition of matter. Pursuant to M.P.E.P. §821.04, Applicants request that the method of use claims 20 and 21 of Group III, which now depend from and thereby include all of the limitations of the base composition of matter/product claim, be rejoined in this application when the composition of matter claim 1 is subsequently found allowable.

In addition, Applicants retain the right to file divisional applications directed to the non-elected subject matter should the restriction requirement become final. Authorization is hereby granted to charge any fees which may be required by this paper, or credit any overpayment, to Deposit Account No. 19-2570.

Respectfully submitted,



Kathryn L. Sieburth
Attorney for Applicants
Registration No. 40,072

GLAXOSMITHKLINE
Corporate Intellectual Property - UW2220
P.O. Box 1539
King of Prussia, PA 19406-0939
Phone (610) 270-5012
Facsimile (610) 270-5090

N:\DMF\Cases\PB60172\Restriction Requirement Response.doc